

REMARKS

Entry of the foregoing, reexamination, and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are respectfully requested.

By the foregoing amendment, claims 24, 27-29 and 36 have been amended. Support for the amendments to the above-mentioned claims can be found throughout the application. In particular, support for the amendments to claim 24 can be found at least in Example 1C. Support for the amendments to claims 27-29 can be found on at least page 4, line 34 through page 5, line 18, and support for the amendment to claim 36 can be found in original claim 12. Further, new claim 40 has been added. Support for claim 40 can be found at least in Examples 1D and 1H of the specification. Thus, no new matter has been added.

Claims 27-29 have been objected to for use of the terminology "parent virus." This objection is respectfully traversed. To expedite prosecution of the present application, and not to acquiesce to the Examiner's rejection, claims 27-29 have been amended to recite "adenovirus" instead of "parent virus."

Claim 36 has also been objected to for an inadvertent typographical error. Applicants have amended claim 26 to correct the typographical error.

In view of the above, both of the Examiner's objections to claims 27-29 and 36 are respectfully requested to be withdrawn.

Further, claims 24-39 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. This rejection is respectfully traversed.

In an attempt to expedite prosecution, and not to acquiesce to the Examiner's rejection claim 24 has been amended in accordance with the Examiner's proposal during the telephonic interview of September 25, 2003. Thus, it is clear where the encapsidation region and the 3' and 5' ITRs come from.


As such, withdrawal of the Examiner's rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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